

MAY 2, 2006 AGENDA REPORTS

Agenda Item No. 4a.

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 0-0439

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Sanitary Sewer in Krug North 2nd Addition (north of 21st, west of 143rd St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On August 2, 2005, the City Council approved a Petition to construct a Sanitary Sewer in Krug North 2nd Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

Analysis: The project will serve a new residential development located north of 21st Street, west of 143rd St. East

Financial Considerations: The existing Petition totals \$134,000. The new Petition totals \$153,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 4b

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0440

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Sanitary Sewer in Wheatridge Addition (north of Kellogg, west of 119th St. West) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by three owners representing 100% of the improvement district.

Analysis: The sanitary sewer project will serve a new commercial development located north of Kellogg, west of 119th St. West.

Financial Considerations: The Petition totals \$65,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 4c

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0441

TO: Mayor and City Council Members

SUBJECT: Petitions to construct Paving, Sanitary Sewer and Water Improvements in Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner representing 100% of the improvement districts.

Analysis: The projects will provide paving, sanitary sewer and water improvements within a residential development located south of Kellogg, west of Greenwich.

Financial Considerations: The Petitions total \$402,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions, adopt the Resolutions and authorize the necessary signatures.

Agenda Item 5a

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0442

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closure.

Background: In accordance with the Community Events Procedure, the event promoter has notified adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

- 1) Block Party on Broadway – Sunday, May 21, 2006 2:00 pm – 8:00 pm.
· 300 Block of Broadway between 2nd and 3rd Streets. Please see attached map.

Client will arrange to remove blockades as necessary to allow residents and emergency vehicle access during entire designated time period. Adjacent property owners have consented to the requested closure.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

Agenda Item No. 5b

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0443

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closure.

Background: In accordance with the Community Events Procedure, the event promoter has notified adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

- 1) Wesley Senior 5K Run – Wednesday, May 31, 2006 6:00 pm – 7:30 pm.
· 700 block of Amidon in front of Botanica. Please see attached map.

Client will arrange to remove blockades as necessary to allow residents and emergency vehicle access during entire designated time period. Adjacent property owners have consented to the requested closure and have responded with signed approval. Please see attached notices.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

Agenda Item No. 5c

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0444

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closure.

Background: In accordance with the Community Events Procedure, the event promoter has notified adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

- 1) Kansas Sports Hall of Fame Induction Ceremony – Friday, June 2, 2006 beginning at 5:00 pm until Saturday, June 3, 2006 at 6:00 pm
· 238 N. Mead Street in front of Kansas Sports Hall of Fame. Please see attached map.

Client will arrange to remove blockades as necessary to allow residents and emergency vehicle access during entire designated time period. Adjacent property owners have consented to the requested closure and have responded with signed approval. Please see attached notices.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to:
(1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department.

Agenda Item No. 5d

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0445

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closure.

Background: In accordance with the Community Events Procedure, the event promoter has notified adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

- 1) Special Olympics Kansas Games Opening Ceremony – Friday, June 2, 2006 beginning at 7:00 pm until 10:00 pm.
· 3400 Block of East 21st North, Hillside to Yale. Please see attached map.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately, once the “All Clear” from the Fire Department has been given to allow vehicles to exit the area. The adjacent property owner has consented to the requested closure. Please see attachment.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

Agenda Item No. 5e

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0446

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Community Events Procedure, the event promoter is working with Exploration Place and is coordinating arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

- East Meets West Walk/Run – Saturday, June 3, 2006 7:30 am until 10:30 am
- 1) 7:30 am until 9:00 am - North bound lanes of McLean east of Seneca Street intersection to Lincoln. Please see attached map for 5K.
 - 2) 7:30 am until 9:00 am – South bound lanes of McLean east of Seneca Street intersection to 2nd. Street. Please see attached map for 5K.
 - 3) 7:30 am until 9:30 am - North bound lanes of McLean east of Seneca Street intersection to Lewis Street. Please see attached map for 2K.
 - 4) 7:30 am until 10:30 am – North bound lanes of McLean east of Seneca Street intersection to 2nd Street. Please see attached map for 1K.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

Agenda Item No. 8a

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0447

TO: Mayor and City Council Members

SUBJECT: Contract Amendment for Laboratory Analysis of Environmental Samples

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve contract amendment.

Background: A Request for Proposal, RFP 400015, was issued and evaluated by staff in 2004. On June 15, 2004, the City Council authorized a contract from June 15, 2004 through June 15, 2006 with two (2) additional one-year periods under the same terms and conditions by mutual agreement of both parties.

Analysis: The City Council approved the current contract to Pace Analytical Services, Inc at the June 15, 2006 meeting. During the initial 2 year contract, the Kansas Department of Health and Environment (KDHE) began requiring the analytical contractor increase the purge volume and containerize the liquid investigation-derived waste (IDW). Since the requirement went into effect, the City of Wichita has appealed to KDHE to reduce or eliminate the additional requirements. The City's appeal is currently under review. A contract amendment is proposed to allow the City to compensate the analytical contractor for the additional work required to meet KDHE's requirements. In addition, KDHE has reduced the number of wells which will require analytical sampling. The contract amendment will be dated May 2, 2006 and expire simultaneously with the expiration of the original contract.

Financial Considerations: The additional costs associated with the new KDHE requirements are \$65/well for increased purge volumes and \$30/well for containerization. This would require an additional \$13,110 of additional expense. However, the reduction in the number of network wells requiring sampling in the original contract will provide for a savings of approximately \$2775. The net addition to the contract will be \$10,335. If the City of Wichita's appeal is approved, analytical costs will revert to the original contract amount less the savings realized from the network reduction. There are sufficient funds budgeted in the approved 2006 budget for the contract amendment.

Legal Considerations: The Law Department has approved the contract amendment as to form.

Recommendations/Actions: It is recommended that the City Council approve the contract amendment to Pace Analytical Services, Inc. and authorize the Mayor to sign.

CONTRACT AMENDMENT FOR LABORATORY ANALYSIS OF ENVIRONMENTAL
SAMPLES

THIS CONTRACT AMENDMENT is entered into this 2nd day of May, 2006, by and between the CITY OF WICHITA, KANSAS, A Municipal Corporation, hereinafter called "CITY", and PACE ANALYTICAL SERVICES, INC., {(Performance Vendor Code Number – 411821617-001) 9608 Loiret Blvd., Lenexa Kansas, 66219, Telephone Number (913) 599-5665, hereinafter called "VENDOR".

WITNESSETH THAT:

WHEREAS, on the 15th day of June, 2004, the above-named parties entered into a contract for providing Laboratory Analysis of Environmental Samples (Formal Proposal – FP400015) for the Environmental Health and Water and Sewer Departments of the City of Wichita as per the proposal and specifications of March 12, 2004; and as approved by City Council on June 15, 2004; and

WHEREAS, that proposal specified the term of the contract was to be for two years with options to renew for two additional successive one year periods; and

NOW, THEREFORE, the above named parties hereby agree that the terms of the original contract dated the 15th day of June, 2004 are hereby reaffirmed and re-executed for and on behalf of these parties except for the following amendment, modification and change.

The CITY agrees to pay to the VENDOR the additional costs associated with the new KDHE requirements of \$65.00/well for increased purge volumes and \$30.00/well for containerization.

The terms of this contract amendment shall be for a one (1) year period from June 16, 2006 through June 15, 2007, with an option to renew under the same terms and conditions for an additional (1) one year period by mutual agreement of both parties. This contract amendment is subject to cancellation upon thirty (30) days written notice by the City of Wichita.

These provisions have been approved by the City Council on May 2, 2006.

No Arbitration. The Vendor and the City shall not be obligated to resolve any claim or dispute related to the Contract by arbitration. Any reference to arbitration in bid or proposal documents is deemed void.

Representative's Authority to Contract. By signing this contract, the representative of the contractor or vendor represents the he or she is duly authorized by the contractor or vendor to execute this contract, and that the contractor or vendor has agreed to be bound by all its provisions.

IN WITNESS WHEREOF, the parties hereto have executed this contract amendment the day and year first above written.

ATTEST:

THE CITY OF WICHITA, KANSAS

Patsy Eichacker, Deputy City Clerk

Carlos Mayans, Mayor

APPROVED AS TO FORM:

PACE ANALYTICAL SERVICES, INC.

Gary E. Rebenstorf, Director of Law

REVISED NON DISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM
REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non Discrimination Equal Employment Opportunity/Affirmative Action Program Requirements:

A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.

B. Requirements of the State of Kansas:

1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44 1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;

2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";

3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44 1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.

C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination Equal Employment Opportunity/Affirmative Action Program Requirements:

1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;

2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;

3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non Discrimination Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;

4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.

5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.

2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty five (45) day period from the Federal agency involved.

Agenda Item No. 8b

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0448

TO: Mayor and City Council

SUBJECT: Consultant Contract for Air Permit Report Support for Brooks Landfill (District VI).

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the contract.

Background: On February 18, 2005, the Kansas Department of Health and Environment issued a Class I Title V Air Operating Permit for the Brooks Landfill. This permit requires the periodic filing of air emissions related reports. Because of the level of complexity of the permit requirements specialized professional engineering expertise is needed to accurately prepare the reports.

Analysis: Camp, Dresser & McKee (CDM) was the City's consultant in the preparation of the permit application and has been preparing the reports since the permit was issued. Because of the ongoing nature of the report preparation support work, staff issued a Request for Proposal for the work on February 2, 2006. Five proposals were received on March 10, 2006. The Staff Screening and Selection Committee (SSSC) reviewed and selected three firms to be interviewed. On March 31, 2006, the three firms interviewed were: CDM, Golder and Associates, and Integrated Solutions. Based on the proposals and interviews, it was the unanimous vote of the SSSC that CDM be recommended to the City Council for this engagement.

Financial Considerations: The initial term of the agreement would be two years and the not-to-exceed amount for this period is a total of \$45,000. Funds are available within the Landfill Post-Closure Fund to pay this cost. Under the terms of the agreement up to two one-year renewals are possible for a maximum possible term of up to four years. All future years are dependent on the availability of sufficient budgeted funds for this purpose.

Legal Considerations: The contract has been approved by the Law Department as to form and has been signed by CDM.

Recommendations/Actions: It is recommended the City Council approve the selection of CDM for the air permit report preparation work, approve the attached contract, and authorize the necessary signatures.

Agenda Item No. 9

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0449

TO: Mayor and City Council

SUBJECT: Kansas Community Service Tax Credit Program Application (District VI)

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Authorize the Mayor to sign the Local Government Endorsement Form.

Background: Each year since 1994, the Kansas Community Service Program (CSP) has offered a Tax Credit Program for non-profit organizations for use with major capital fund-raising drives for eligible projects. Capital projects eligible for tax credit awards include new facilities or expansion of existing facilities to operate such programs as community service, crime prevention, or health care. Under the program, contributors (usually private for profit companies) receive a tax credit equal to 50% of the amount donated to non-profits for one year following approval of the agency's tax credit application.

The Kansas Community Service Tax Credit Program is administered by the Kansas Department of Commerce. The Department has announced an allocation of \$4.1 million in tax credits for 2006, which will be awarded to eligible non-profit organizations. A Local Government Endorsement is recommended by the Kansas Department of Commerce. If the City does not approve the Local Government Endorsement, the applicant will lose points in the competitive application process.

Analysis: Interfaith Development Corporation, has submitted a request for Local Government Endorsement of their State tax credit application for their capital campaign to fund the construction of a 40-unit permanent housing complex that will provide housing to homeless persons with disabilities (chronic mentally ill, substance abuse and physically disabled). The application has been reviewed by the Housing and Community Services and Planning Departments, and was found to be consistent with the Consolidated Plan, local codes and zoning requirements. (A summary of the application is attached).

Legal Considerations: The proposed application does not obligate the City to the project in any way.

Financial Considerations: Approval of the Local Government Endorsement does not obligate the City to fund any project or provide real property for the project.

Recommendations/Actions: It is recommended the City Council support the application and authorize the Mayor to sign the Local Government Endorsement Form.

Agenda Item No. 10

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0450

TO: Mayor and City Council

SUBJECT: Wichita Employees' Retirement and Police & Fire Retirement Systems
Actuarial Valuation Reports (January 1, 2005 – December 31, 2005)

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendations: Receive and file the Actuarial Reports and approve the 2007 employer contributions.

Background: The Board of Trustees for both the Wichita Employees' Retirement (WER) System and the Police & Fire (P&F) Retirement System employ Milliman USA to serve as technical advisor/consultant and to supply the Boards with information relative to actuarial phases of the operations of the Retirement Systems. The actuary recommends the mortality, interest, and other required actuarial tables; prepares an annual valuation of liabilities and reserves, and makes an annual determination of the amount of contributions necessary to meet requirements for annuities and benefits, certifying the results to the Boards; and reviews the operating experience of the Retirement Systems as a check of the adequacy of the recommended actuarial standards.

Analysis: The funding objective of the WER and P&F Retirement Systems is to establish and receive contributions, expressed as percents of active member pensionable payroll, which will remain approximately level from year to year, and will not have to be increased for future generations of citizens in the absence of benefit improvements. The Retirement Systems are supported by: (1) Member contributions; (2) City contributions; and (3) investment income from the Retirement Systems' assets.

1. The actuary's valuations state that for the fiscal year beginning January 1, 2007, the range for the City's required contributions to the WER System is 3.9% to 8.2%. The City's required contribution to the P&F System is 17.5%, as there is no current surplus funding to offset contributions. Contribution rates are stated as a percent of active member pensionable payroll. These rates are based on the benefit provisions and active member contribution rates in effect on December 31, 2005. Of the total dollar amount contributed to WER, City contributions for Plan 3 (a defined contribution plan) are allocated to Plan 3 individual members' accounts.

The employer funding objective contribution requirement has been computed to remain level from year to year as a percentage of active member pensionable payroll, so long as benefits and demographic make-up of members does not change materially, and experience assumptions are realized.

2. The funded ratios (liabilities covered by assets) and employer (City) contributions for WER and P&F Retirement Systems over the past three (3) years are shown below:

Budget				
WER	Period Ending	Year	Funded Ratios	Employer Contributions
	December 31, 2003	2005	115.4%	4.7%
	December 31, 2004	2006	112.1%	4.7%
	December 31, 2005	2007	110.6%	4.7%

Budget				
P&F	Period Ending	Year	Funded Ratios	Employer Contributions
	December 31, 2003	2005	106.8%	14.0%
	December 31, 2004	2006	99.8%	18.4%
	December 31, 2005	2007	99.7%	17.5%

3. In summary, the actuary's reports reflect that the aggregate experience of the Retirement Systems during the twelve months (12) ended December 31, 2005 was as expected in WER, except for a small net loss due to experience. P&F experienced a small net gain also due to experience. The change in the funded ratios and the employer contribution rates from 2006 to 2007 reflect the experience during the year.

Financial Considerations: In conjunction with the actuary's recommendation and in keeping with the City's current policy of maintaining level contribution rates, the Department of Finance recommends the City's contribution rates, expressed as a percent of active member pensionable payroll, remain constant at 4.7% for WER, and at 18.4% for P&F for the fiscal year 2007. Of the 18.4% P&F contribution rate, 17.5% will be paid into the trust and the remaining 0.9% will be directed to the pension reserve to replenish amounts drawn in 2006.

Legal Considerations: Under the ordinances creating the two pension systems, the City is statutorily required to contribute the actuarially required contributions to the Retirement Systems.

Recommendation/Actions: It is recommended that the City Council receive and file the Wichita Employees' Retirement and Police & Fire Retirement Systems Actuarial Valuation Reports (January 1, 2005 – December 31, 2005) as submitted, and approve the 2007 employer retirement fund contribution rates.

Agenda Item No. 11

CITY OF WICHITA
City Council Meeting
May 2, 2006

Agenda Report No. 06-0451

TO: Mayor and City Council Members

SUBJECT: Storm Water Sewer and Utility Easement at 202 South Gow (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Grant the easement.

Background: In 2004, the City acquired 202 South Gow for a 40 foot storm water sewer easement as part of the First and Second Street Drainage Outflow Project. The project was completed earlier this year. Though some improvements were razed for the easement, the site is improved with a 1,068 square foot single family home and on April 18, 2006, City Council declared 202 South Gow as a surplus property.

Analysis: While the City is the owner of the property, it is necessary that an easement be granted so that the storm water sewer and utility easement becomes public record prior to any proposed transfers in ownership. To accomplish this, the attached easement form has the City as owner formally granting an easement to the City at large.

Financial Considerations: There is no financial impact associated with granting the easement.

Legal Considerations: None.

Recommendation/Action: It is recommended that the City Council grant the easement and authorize all necessary signatures.

Agenda Item No. 12

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0452

TO: Mayor and City Council Members

SUBJECT: Extension of Contract with Electronic Data Systems (EDS) for False Alarm Billing

INITIATED BY: Wichita Police Department

AGENDA: Consent Agenda

Recommendation: Approve contract extension.

Background: Pursuant to City False Alarm Ordinance 44-2211 that was implemented on March 26, 1999; the City of Wichita entered into a five year agreement with Electronic Data Systems Corporation on July 26, 2001 for False Alarm Billings. The current contract will expire July 26, 2006. Therefore, the City of Wichita is requesting an extension of the current contract for up to but not to exceed one year.

Analysis: The purpose of the extension is to facilitate the spring 2007 opening at the new 911 facility, being built by Sedgwick County's Emergency Communication. The new facility will require a new CAD, Computer Aided Dispatch, system. The most advantageous situation for the Police Department is to stay with our current vendor until the new CAD system is obtained. To not extend the current contract would incur a considerable amount of additional expense. Switching over from the current system to the new CAD system would require four interfaces for a new alarm vendor. Staying with the current vendor will result in a savings in expense and time for the City of Wichita by allowing the current process to continue until the new CAD is on line, the estimated start up date is April 2007. A new vendor will be selected in late 2006.

Financial Consideration: The contract extension is for up to but not to exceed one year at the current contract amount, \$270,000.

Legal Consideration: The Law Department will review and approve the contract as to form.

Recommendation/Actions: It is recommended that City Council approve the contract extension and authorize the appropriate signatures.

AGENDA ITEM NO. 13

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0453

TO: Mayor and City Council

SUBJECT: Grant Application - Homeless Assistance Programs (All Districts)

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Approve the submission of Shelter Plus Care Grant applications, and authorize the Mayor to sign the requisite applications and subsequent contract award documents and provide a letter of support for the Continuum of Care Application.

Background: On March 8, 2006, the Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for the 2006 Continuum of Care Homeless Assistance Programs. The NOFA makes funds available for a variety of homeless programs including permanent, supportive and transitional housing, Shelter Plus Care, and the Homeless Management Information System that is used to track the progress of homeless individuals moving through the Continuum of Care.

The Community Council on Homeless Advocacy (CCHA) has been working with the United Way of the Plains to prepare and submit an application for the Wichita-Sedgwick County area for the following projects:

Permanent Housing. United Methodist Urban Ministry of Wichita is requesting funds to continue supportive services and permanent housing for chronically homeless persons ready to take steps toward permanent housing.

Supportive Housing. Inter-Faith Ministries of Wichita, Inc. is seeking funding to continue the Ti'Wiconi Safe Haven Transitional Housing for the severely mentally ill and chronically homeless persons. Funding will provide supportive services and operational costs to help these individuals become self-sufficient and move into permanent housing.

Transitional Housing. ComCare and The Salvation Army are seeking funding to renew their Transitional Housing Projects for persons with mental illness and substance abuse disorders. Funds will be used to provide supportive and operational services for the project. Wichita Children's Home is also requesting funds to continue the Bridges Transitional Living Program. Funds will provide case management and counseling for the clients and maintenance, utilities and insurance for the upkeep of the transitional units. United Methodist Urban Ministries is requesting the continuance of their transitional housing program that assists individuals, families, and women and their children who are survivors of domestic violence. Clients will receive advocacy and other supportive services that will help them move towards permanent housing without violence.

Shelter Plus Care and Shelter Plus Care Good Samaritan Bonus. The City of Wichita Housing Authority has prepared an application for a one-year renewal of the Shelter Plus Care (SPC) grant to fund 128 housing units. In addition, an application for a new SPC bonus program, called the Good Samaritan Housing Initiative, is being submitted to provide five housing units for five consecutive years. SPC programs must be matched by an equal amount in supportive services. In Wichita, the match is provided at no charge to the City or the grant, by community social service agencies.

Both SPC programs are designed to provide housing and supportive services for homeless persons with disabilities (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or HIV/AIDS related diseases) and their families, who are living in places not intended for human habitation (e.g., streets) or in emergency shelters. Tenant-based rental assistance programs provide a range of supportive services funded by other local sources in response to the needs of the hard-to-reach homeless population with disabilities.

Analysis: The United Way and the CCHA have worked together to implement the community proposal ranking process, which will be included in the final application that the United Way will submit to HUD on behalf of local proposers, by the May 25, 2006 deadline. Funding for the projects will come directly from HUD, with grant agreements to be executed between HUD and the project sponsors. With the exception of the Shelter Plus Care applications, which are sponsored by the Wichita Housing Authority, HUD will contract directly with agencies which are funded through this SuperNOFA.

Funding being requested for the 2006 Continuum of Care projects is as follows:

City of Wichita Housing Authority:	
Shelter Plus Care (Housing Vouchers)	\$869,796
Shelter Plus Care Good Samaritan Grant (New)	147,600
ComCare of Sedgwick County:	
Transitional Housing Project	828,592
Inter-Faith Ministries:	
Safe Haven Renewal	138,198
The Salvation Army	
Transitional Housing Renewal	666,666
United Methodist Urban Ministries:	
Transitional Housing – Leased	84,934
Transitional Housing – Purchase	56,238
Wichita Children's Home:	
Bridges Transitional Living Program	<u>101,219</u>
Total Funds Request	\$2,893,243

Financial Considerations: All matching funds required by the projects included in this grant will be provided by the sponsoring agencies, or in the case of Shelter Plus Care, by the partnership agencies. Support by the Council for the application does not obligate City of Wichita funding.

Legal Considerations: None.

Recommendations/Actions: Approve the submission of Shelter Plus Care Grant applications and authorize the Mayor to sign the requisite applications and subsequent contract award documents and provide a letter of support for the Continuum of Care Application.

May 2, 2006

HUD Headquarters
Robert C. Weaver Building
451 7th St., SW
Room 7270
Washington, DC 20410

RE: 2007 CONTINUUM OF CARE PROGRAMS

To Whom It May Concern:

On behalf of the homeless citizens of Wichita, I wish to express my support for the Continuum of Care Supportive Housing application prepared and submitted by the local homeless service and housing providers. The Wichita City Council voted to support this year's application during its May 2, 2006 meeting.

The City of Wichita has a longstanding partnership with the local provider community and addressing the needs of the homeless is one of the priorities established in our 2004/2008 Consolidated Plan.

Your favorable consideration of this year's Continuum of Care application will be sincerely appreciated and will enable this community to continue its ongoing efforts to assist this segment of our population at their time of need.

Sincerely,

Carlos Mayans
Mayor

Agenda Item No. 14

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0454

TO: Mayor and City Council

SUBJECT: Operate Downtown Trolley Lunch Routes (Districts I, IV, and VI)

INITIATED BY: Wichita Transit

AGENDA: Consent Agenda

Recommendation: Approve operations of seasonal downtown trolley lunch routes.

Background: In 2004 and 2005, Wichita Transit (WT), in partnership with the Wichita Downtown Development Corporation (WDDC), sponsored a weekday downtown trolley lunch shuttle and a Saturday museum service. The initial trial service in 2004 ran for nine months, while last year's service ran from Memorial Day to Labor Day. In 2004, the initial weekday service operated two trolleys, while 2005 increased service to three trolleys due to an expansion route to Delano.

The WDDC sponsored 80 percent of the 2004 service, while WT paid 20 percent of expenses, utilizing its annual federal maintenance operations grant. In 2005, WT received a Congestion Mitigation Air Quality (CMAQ) grant to fund 80 percent of the service, while WDDC accounted for 20 percent.

Once again, WT has been approved a CMAQ grant to offset 80 percent of operational costs, and WDDC is interested, again, in offsetting the remaining 20 percent of expenses.

Analysis: While ridership increases didn't reach projections, primarily due to a rainier summer in 2005, there are numerous factors that favor continuing the popular Q-line:

- Two more years of CMAQ funding,
- WDDC continued interest in helping sponsor service,
- Continued growth of Old Town and the Delano District,
- Increased interest in downtown trolley service due to arena and Waterwalk developments,
- Growing "quality of life" in the downtown area, and
- Continued increase in fuel prices.

Based on two years of Q-Line experience, the following is proposed:

- Maintain the downtown and Delano routes,
- Shrink operational times to 11:00 AM – 2:00 PM,
- Run service immediately following Riverfest until Labor Day,
- Maintain a 25¢ fare, and

· Have the upcoming Transportation Development Plan incorporate downtown trolley feasibility for the long term.

Financial Considerations: The total cost of the proposed trolley service and marketing will not exceed \$100,000, with \$80,000 being paid by the CMAQ grant and \$20,000 to be paid by the WDDC. No city transit funds will be used for this project.

Legal Consideration: The Law Department would approve the working agreement between WT and the WDDC as to form.

Recommendations/Actions: It is recommended that the City Council approve the trolley shuttle service as proposed.

Agenda Item 15

City of Wichita
City Council Meeting

May 2, 2006

Agenda Report No. 06-0455

TO: Mayor and City Council

SUBJECT: Acquisition of La Quinta Leasehold for E. Kellogg Project (Dist. II)

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Authorize acquisition of the leasehold interest in the La Quinta Motel at Kellogg and Rock Road.

Background: The East Kellogg/Rock Road project requires the acquisition of approximately 14,800 square feet from the La Quinta motel site. While not directly affecting the motel structure on the site, the taking will remove 56 of the motel's 80 parking spaces and prevent the motel from continuing operation as a motel. The motel owners insist that this taking will result in a total loss of their ability to conduct a motel operation with the improvements and a total loss in value of the improvements. The motel owners have title to all the improvements on the site and Simon Properties (the owner of the Towne East Mall) are landlords.

Analysis: The City has contracted with Simon Properties to acquire its interest in the La Quinta site (along with other interests along Kellogg from Armour to Rock Road). It is necessary to acquire the leasehold interest of La Quinta. The motel owners have offered to sell their leasehold interest to the City for \$4,450,000. This offer is within the range of values for the leasehold based on appraisals done by both the City's appraisers and appraiser.

Financial Considerations: The costs of the acquisition will be paid from the East Kellogg (Rock Road to Turnpike) project funds.

Legal Considerations: The Law Department recommends acceptance of the settlement offer.

Recommendations/Actions: Authorize acquisition of the La Quinta leasehold for \$ 4,450,000 and authorize the Mayor to sign the appropriate documents to close the acquisition.

Agenda Item No. 17

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0390 A

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures
1513 North Grove

INITIATED BY: Office of Central Inspection

AGENDA: Unfinished Business

Recommendations: Take appropriate action.

Background: This property was before the Board of Code Standards and Appeals (BCSA) on February 6, 2006. No-one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on April 11, 2006. Council adopted a resolution for ten (10) days to start and ten (10) days to complete demolition. After the resolution was adopted, an owner of the property, Lonell Washington, came to the Council meeting to represent it. Council agreed to defer action on this property and rehear it at a later date.

Analysis: On April 13, 2006 staff made an inspection of the property. No repairs had been made. The structure was secure. There was still tree limbs, trash and debris on the premises.

Taxes: As of April 17, 2006, the taxes had been paid. There were still special assessments for weed mowing in 2005 in the amount of \$242.37 and a special assessments for lot cleanup in 2006 in the amount of \$995.88.

Legal Considerations: Mr. Washington has been informed of the date and time of the hearing.

Recommendations/Actions: It is recommended that the City Council take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: (1) the \$242.37 assessment for weed mowing and the \$995.88 special for lot cleanup are paid within seven (7) days; (2) the structure is maintained secure as of May 2, 2006 and is kept secured during renovation; and (3) the premise kept clean and free of debris as of May 2, 2006, and will be so maintained during renovation.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolution published once in the official city paper and advise the owners of these findings.

Agenda Item No. 18

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0414 A

TO: Mayor and City Council Members

SUBJECT: Appeal of Historic Preservation Board action regarding demolition of 123-125 East Douglas. (District I) HPC2006-00031

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Unfinished Business

Recommendation: Defer action.

Background: On April 18, 2006 City Council voted to defer action on this item until the May 2, 2006 regular council meeting. City staff and the applicants are to meet and resolve issues regarding a workable solution for maintaining the block face; control access management and safety issues with a curb cut at that location; sub-grade fill for crawl space on 123 building and basement area on 125 building; and storm water drainage for the site.

At the March 13, 2006 Historic Preservation Board meeting, the applicant requested approval for demolition of a commercial building located at 123-125 East Douglas. Lowell Richardson, a representative of the owners of the property, filed a Certificate of Appropriateness application to demolish and replace it with a 15-space surface parking lot. The property is located within the Central Business zoning district and requires no on-site parking.

This property is located within 500 feet of the Old City Hall – 204 S. Main, the Wheeler Kelly Hagney Building – 120 S. Market, and the Kress Building – 224 E. Douglas which are listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places. Kansas State Statute K.S.A. 75-2715 – 75-2725 requires that projects occurring within 500 feet of a state or national register listed property or district be reviewed. The review guidelines set forth specific considerations for evaluation. According to the Sanborn Fire Insurance Maps, a brick building has been in this location since 1887. Although the building is not historically significant, it is part of an intact block face that is typical of the historic character of the commercial area. Removal of the structure for a surface parking lot located in a row of zero-lot line structures does not meet the intent of Environs Design Review Standards Guideline 1 or Guideline 2.

Guideline #1 specifies, “The character of a historic property’s environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided.”

Guideline #2 specifies, “The environs of a property should be used as it has been historically or allow the inclusion of new uses that require minimal change to the environs’ distinctive materials, features, and spatial relationships.” Demolition of character-defining features or structures with no plans for compatible replacement features or structures is not recommended. Demolition of character-defining structure(s) with the intention of creating open space, such as a parking lot or park is not recommended.

Analysis: The RTKL Downtown Master Plan, adopted by City Council in 1989, further recommends against creating any openings in the block faces along Douglas Avenue.

In November 2005, the Historic Preservation Board reviewed a request for demolition of 115-121 East Douglas and construction of a multi-level parking garage to be built in its place. HPB granted approval of the demolition and is requiring the applicant to present the final design of the parking garage exterior for approval. The 123-125 East Douglas surface lot would be immediately east of the new parking garage structure.

By a 5-0 vote, the HPB denied the demolition of 123-125 East Douglas because replacing a building with a surface parking lot instead of another structure with similar materials, massing and setback does not meet the environs review standards outlined in K.S.A. 75-2715 – 75-2727 and would erode the historic context of the Old City Hall, Wheeler Kelly Hagney Building and the Kress Building. The applicant is appealing the decision of the HPB.

Financial Considerations: None to the city.

Legal Consideration: The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no “feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use”.

Recommendations/Actions: Defer action, instructing the applicant to submit supplemental materials that demonstrate that there is “no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use”.

Agenda Item No. 19

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0456

TO: Mayor and City Council

SUBJECT: Public Hearing and Tax Exemption Request
(Millennium Concepts, LLC)(District IV)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Close the public hearing, approve first reading of the Ordinance, and the tax exemption request.

Background: Millennium Concepts, LLC, located at 9050 W. Monroe Circle in southwest Wichita, was locally formed in 2002. Since inception, Millennium Concepts, LLC has sustained consistent growth in the aircraft industry. Millennium Concepts, LLC has expanded its existing facility, which includes construction of a 8,500 s.f. facility in the amount of \$305,686, and \$70,018 of manufacturing equipment to be leased to Millennium Interiors Group, Inc. and Millennium Concepts, Inc. by Millennium Concepts, LLC. Millennium Concepts, LLC is now requesting approval of an Economic Development Tax Exemption on new construction and manufacturing equipment in conjunction with the expansion project.

Analysis: Millennium Concepts, LLC was incorporated in 2002. Its purpose was to construct a building to house Millennium Concepts, Inc. Millennium Concepts, Inc., incorporated in 1999, provides engineering and certification engineering for corporate aircraft. In 2003, Millennium Concepts expanded its capability to include structural testing of aircraft interior monuments such as cabinets and bulkheads and added a flammability lab for testing of interior materials to FAA regulations. Millennium Seating Group, Inc. was incorporated in 2003 to design, certify and manufacture aircraft seats. It currently has three seat prototypes in various stages of completion and plans to expand its capability to manufacturing of products in the near future. Millennium Interiors Group, Inc., was incorporated in 2005 and manufactures aircraft interior cabinetry.

Millennium Concepts, LLC's expansion project results in the construction of a building addition and the purchase of new manufacturing equipment. Millennium Concepts, LLC [or its affiliates] currently employs 34 persons. The expansion project will create 30 new jobs over the next five years. Millennium Concepts, LLC exports 96% of all production out of Kansas.

Millennium Concepts, LLC's, expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentive Policy, Millennium Concepts, LLC, is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
60.00%	New Job Creation:	Millennium Concepts will create 30 new jobs.
7.00%	Capital Improvements:	Millennium Concepts invested \$375,704.
67.00%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.00%	Location Premium:	Millennium Concepts is not located in the central redevelopment area.
67.00%	TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY	

Under the Economic Development Incentive Policy, Millennium Concepts, LLC is eligible for a 67% tax exemption for a five-year term on the identified real and personal property improvements, and 67% exemption on the real and personal property, for a further five-year period, subject to City Council review. A notice of public hearing has been published. Millennium Concepts, LLC has agreed to comply with the conditions set forth in the Economic Development Incentive Agreement.

Financial Considerations: The estimated first year taxes on the proposed \$375,704 expansion would be \$10,372, on real and personal property, based on the 2005 mill levy. Using the allowable tax exemption of 67 percent, the City would be exempting (for the first year) \$6,949 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City – \$1,954; County/State - \$1,853; and USD 265 - \$3,142.

In the event where there is leased and non-leased property the Board requests that the exemption for the leased property be the same period as property owned by the applicant.

To effectuate this solution, without changing the tax effect intended by the initial Council action (i.e. to have a lesser period of exemption for some of the personal property than for the real property) the company has agreed to make “payment-in-lieu-of-taxes” on the second five years of abatement for the personal property covered by Ordinance No. 44-839, equal to the amount of ad valorem taxes during the second five-year exemption period that would have been paid had such property not been exempted from taxes for such period, determined according to the personal property retail cost new, less depreciation and minus any disposal of such exempted property during that five-year time period.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	3.42 to one
Sedgwick County	2.83 to one
USD 265	1.26 to one
State of Kansas	4.76 to one

Legal Considerations: The City Attorney's Office has approved the Ordinance as to form.

Recommendations/Actions: It is recommended that City Council close the public hearing, and approve first reading of the Ordinance granting Millennium Concepts, LLC a 67% tax exemption on the identified real and personal property improvements for a five-year term, and a 67% exemption on the real and personal property, for a further five-year period, subject to City Council review.

Millennium Concepts, LLC

Exhibit I

Building Construction:

8,500 s.f. facility	\$305,686
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Equipment Purchases:

(see attached list)	<u>70,018</u>
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Total Expansion Project	\$375,704
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Agenda Item No. 20

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0457

TO: Mayor and City Council

SUBJECT: Letter of Support for Via Christi Free Clinic (District III)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the Letter of Support.

Background: The Via Christi Foundation, Inc. proposes to purchase a small office building at 1156 S. Clifton, and renovate and equip a portion of the building as a charitable care clinic. The Via Christi Community Health Clinic will provide free or very low-costs primary care services to underserved and uninsured individuals and families in the Wichita area. Via Christi plans to apply to the State of Kansas for Community Service Tax Credits to assist in its efforts to raise money from local donors to fund part of the cost of equipping the clinic. Via Christi has asked the City to endorse the project and support its application for tax credits.

Analysis: The proposed Community Health Clinic will be located in close proximity to the entrance of the St. Joseph Hospital Emergency Department and will have seven examination rooms, offices, lobby and a reception area. In addition to daytime hours, the Clinic will remain open during the night and weekend peak periods when services of this nature are typically sought within the emergency room setting. Via Christi's objectives for the establishment of the clinic is to decrease the number of uninsured patients seeking primary care within the emergency room; provide greater access to primary care including preventive care to the underserved populations within the community; and make the community at-large aware of the need to provide free or low-cost primary care and its impact on the overall of health care.

Other indigent care clinics in Wichita include Hunter Health Clinic, Guadeloupe Clinic and the Health and Wellness Center, all located in north Wichita. The Via Christi Community Health Clinic will be the only indigent care clinic located in south Wichita and will be especially useful to residents of such low-to-moderate income residential areas as Planeview and Hilltop.

Financial Considerations: There is no financial impact on the City resulting from the request.

The Community Service Tax Credit Program assists non-profit organizations in the state in their community fundraising efforts by awarding state income tax credits that can be transferred to donors in the amount equal to one-half (1/2) the amount of their donation. The maximum amount that can be allocated to a single project is \$200,000, which would then leverage up to \$400,000 in donations. Donors can use the tax credits to reduce their Kansas income tax liability, dollar-for-dollar, and can also deduct the full amount of the donation from their adjusted gross income on their federal income tax return.

Via Christi Foundation intends to apply for the maximum \$200,000 in tax credits. The application deadline for the current round of tax credit allocations is May 6.

Legal Considerations: There are no legal considerations.

Recommendations/Actions: It is recommended that the City Council endorse the Via Christi Community Clinic Project and approve the Letter of Support.

Agenda Item No.21

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0458

TO: Mayor and Members of the City Council

SUBJECT: Health Improvement Program-Consultant Contract

INITIATED BY: Finance Department

AGENDA: New Business

Recommendation: Approve contract.

Background: The City of Wichita's Health Insurance Advisory Board requested the City examine the feasibility of implementing a Wellness Program. On January 19, 2006, Hilb, Rogal & Hobbs, the City's health and benefit consultant, provided the Health Insurance Advisory Committee a proposed Health Improvement Strategy which was recommended for approval by the Committee. This Health Improvement Strategy was presented to the City Council in workshop on March 7, 2006.

Analysis: A contract has been developed to implement the Health Improvement Strategy. The primary focus of the Health Improvement Strategy would initially begin in the areas of:

- § Nutrition
- § Exercise
- § Smoking cessation
- § Stress/depression

The project will be divided into three primary Phases. Phase I would include a data analysis of short-term and long-term Wellness initiatives the City could implement. This includes a feasibility analysis, specific programmatic recommendations and development of an implementation strategy. This would include some "quick hit" programming. Phase II includes implementation of specific programs, both internal and external, and procurement of third-party vendors (if necessary) and development of a communications strategy. Phase III would complete the implementation activities, establish baselines and develop an evaluation process to measure and demonstrate program impact and value and refine short-term and long-term strategies. HRH would not operate specific Wellness initiatives, but provide consultative input, monitor the performance and timeliness of any third-party vendors and monitor program performance.

Financial Considerations: The contract would be for a not to exceed fee of \$55,000 for the first year. Four one-year options to extend the contract would be available to both parties. Funds are budgeted in the Group Health Insurance Fund to pay for a consultant.

Legal Considerations: The contract has been reviewed and approved as to form by the City Attorney.

Recommendation/Action: It is recommended the City Council approve the contract and authorize the appropriate signatures.

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0459

TO: Mayor and City Council Members

SUBJECT: Issue Moratorium on the Acceptance and Approval of License Applications for Rodeos, pursuant to Section 3.08.040 of the Code of the City of Wichita

INITIATED BY: Department of Law

AGENDA: New Business

Recommendation: Approve moratorium resolution.

Background: Chapter 3.08 of the City Code currently governs the regulation, permitting and licensing of rodeos. These licensing provisions fail to address health and safety concerns to livestock utilized in such events or the inhumane treatment of such livestock. Further, the regulations have no provisions regarding the long-term maintenance of such livestock. The city recognizes that there are significant health and safety concerns to participants, spectators and adjacent neighborhoods when such activities remain unregulated. Such activities may produce noise, odors and other nuisances, which are incompatible to adjacent property owners.

Further, rodeos in the City are not currently defined or regulated through the Wichita-Sedgwick County Unified Zoning Code (UZC) within the City of Wichita.

The moratorium is necessary to allow staff time to develop comprehensive ordinances for the licensure and regulations of rodeos.

Legal Considerations: The City has the authority to establish a reasonable moratorium on the processing and issuance of licenses. The Resolution has been reviewed and approved as to form by the Law Department.

Recommended Action: Pass Approve Moratorium on the Issuance of Rodeo licenses until November 2, 2006. Staff, based on existing licensing requirements, will process license applications, which have been filed with the City Clerk prior to the issuance of the moratorium, for events occurring prior to July 9, 2006. No rodeo event shall be approved after July 9, 2006.

A RESOLUTION BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS
DECLARING AND ESTABLISHING A MORATORIUM ON THE PROCESSING OF
NEW REQUESTS FOR THE LICENSING AND LOCATING OF RODEOS

WHEREAS, The City of Wichita, Kansas recognizes it has an important governmental interest in the regulation of the use of property within the city;

WHEREAS, the City desires to protect the health, safety, and welfare of the citizenry, and has the constitutional power to do so;

WHEREAS, the ordinances of the City of Wichita relating to the licensure and regulation of rodeo events were adopted approximately nineteen years ago and were intended to be applied to temporary rodeo events, rather than a permanent use of property or facilities, and there has been significant development in the applicable law during that time and the City wishes to conform to the dictates of that body of law;

WHEREAS, the Wichita-Sedgwick County Unified Zoning Code does not fully address the appropriate zoning classifications and any compatibility restrictions which may be placed on the use of property for such rodeo events;

WHEREAS, there are significant health and safety concerns to livestock utilized in such events, which are currently not addressed by the city's licensing ordinances, and the City desires to insure that such animals are treated humanely and are free from diseases, which could be harmful to the citizens of Wichita;

WHEREAS, such rodeo events as well as associated activities produce noise, odor, and other nuisances, which may be incompatible with neighboring property;

WHEREAS, the City desires to maintain the status quo while it affords due process to individuals affected by any modified zoning and licensing regulations;

WHEREAS, under its police powers to promote the health, safety, and welfare of the citizens of this community, the City desires to impose a reasonable moratorium on the processing of requests for rodeo events and determines that six months is such a reasonable time;

WHEREAS, the City wishes to give notice of its intention to consider applicable licenses and permits under a revised comprehensive ordinance and related zoning regulation revisions,

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF WICHITA, KANSAS, AS FOLLOWS:

1. That the governing body of the City of Wichita, Kansas hereby directs that the City Manager and the task team appointed by City Manager actively pursue development of comprehensive ordinances for the licensure and regulation of rodeos events, to coincide with revised land use, and development regulations. The development of these ordinances is to be accomplished as soon as practicable, but no later than November 2, 2006, and returned to the governing body for consideration.

2. That during the period of administrative review from May 2, 2006 through November 2, 2006, there shall be a moratorium on the processing and approval of any new licenses for rodeos under section 3.08.040 of the Code of the City of Wichita. City staff will not issue licenses, land use permits/recommendations, or building and development permits that would conflict with this intended comprehensive plan.

3. Provided however, individuals or groups who have applied for or have been granted, prior to the date of this resolution, a license for a rodeo occurring prior July 9, 2006, may proceed to hold such rodeo in compliance with all rules and regulations of the City of Wichita. No rodeo event shall be licensed to occur after July 9, 2006.

5. Appeals of any administrative decisions under this Resolution shall be submitted in writing to the City Council for final decision. If the City Council approves the processing or grant of any application administratively denied or not process, such application shall thereafter be processed upon the procedures established by ordinance or law for such type of application.

6. The City Manager and City Staff are encouraged to move expeditiously to review existing licensing, land use, and zoning ordinances and regulations pertaining to rodeos events and to return to City Council with recommendations for updating and modification of the same.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, this date

_____.

Carlos Mayans, Mayor
ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 23

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0460

TO: Mayor and City Council

SUBJECT: Quarterly Financial Report for the quarter ending March 31, 2006

INITIATED BY: Department of Finance

AGENDA: New Business

Recommendation: Receive and file the quarterly financial report.

Background: The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds. The report is presented to provide the City Council and citizens with information that will assist in making informed decisions. The report is available on the City's web-site and citizens may obtain a printed copy contacting the Department of Finance at 268-4651.

Analysis: Comparisons of budgeted amounts to actual revenue and expenditures are provided for each operating fund. In addition, financial statements prepared on an accrual basis are presented for enterprise funds, consistent with requirements of revenue bond covenants.

Financial highlights are summarized beginning on page iii, with financial statements beginning on page 1. Information supplementary to the financial statements begins on page 63, including information on the performance of invested funds, the City's bonded indebtedness relative to the legal debt limitations, capital projects currently underway, tax abatements, the status of the Debt Service fund relative to any debt service payments due from the tax increment financing districts, and a quarterly summary of disadvantaged and emerging business activity.

Financial Considerations: None

Legal Considerations: None

Recommendations/Actions: It is recommended that the City Council receive and file the Quarterly Financial Report for the quarter ended March 31, 2006.

Agenda Item No. 24

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0461

TO: Mayor and City Council

SUBJECT: VAC2006-00012 Request to vacate a portion of a platted setback, generally located west of Oliver Avenue and south of Mount Vernon. (District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicant proposes to remodel the kitchen of their single-family residence, which will extend the kitchen 5-feet into the platted 30-foot front yard setback. The “SF-5” Single-family Residential zoning district has a minimum 25-foot front yard setback. The 5-foot vacation request would not exceed the 25-foot minimum front yard setback standard of the “SF-5” zoning district, which is the site’s zoning. There are no utilities, manholes, sewer or water lines in the platted front yard setback. The Edgetown Park Addition was recorded with the Register of Deeds on February 17, 1937.

Analysis: The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC’s advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds

Financial Considerations: None.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 25

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0462

TO: Mayor and City Council Members

SUBJECT: A06-11R Request by Terry L. Edwards and Jolene J. Edwards to annex land generally located southeast of 47th Street South and Meridian Avenue. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Place the annexation ordinance on first reading.

Background: The City has received a request to annex 3.89 acres of land generally located southeast of the intersection of 47th Street South and Meridian Avenue. The annexation area abuts the City of Wichita to the west. The property owner anticipates that the proposed property will be developed with an additional residential unit. A plat was approved by the Metropolitan Area Planning Department on January 5, 2006, which is known as Edwards Estates. Several isolated road segments are also included with this annexation request.

Analysis:

Land Use and Zoning: The proposed annexation consists of approximately 3.89 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property directly to the north, east and south is zoned "SF-20" Single-Family Residential and is currently agricultural with a few outbuildings. Property to the west of the subject property is developed and zoned as "MH" Manufactured Housing District.

Public Services: There is a 12" water line and a 54" sewer line in the Meridian right-of-way across the west side of this property. An agreement is in place to extend a public sewer lateral to this property, and at that time, City water service will be extended as requested.

Street System: The subject property borders Meridian to the west, which is a paved, two-lane road. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled Meridian to be widened to four lanes between 47th Street South and 71st Street South, which is directly west of the subject property. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have also scheduled 47th Street South between Meridian and Seneca, as well as, Meridian from 47th Street South to I-235, to be widened and reconstructed; both of which are north of the subject property.

Public Safety: Fire services to this site can be provided by the City of Wichita within a five (5) to six (6) minute approximate response time from City Station No. 12, located at 3443 South Meridian. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 East Pawnee.

Parks: The Southview Park, a 20-acre park, is located approximately 1/2 mile to the north of the subject property and contains 2 tennis courts, 6 soccer fields, a children's play area and a restroom. The South Lakes Park, a 250-acre park, is located approximately 1/4 mile to the east of the subject property and contains 16 soccer fields, 8 softball fields, a football field, 3 concession stands and 4 fishing lakes.

School District: The annexation property is part of the Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation lands, according to County records, is \$183,720 with a total assessed value of \$21,127. Using the current City levy ($\$31.828/\$1000 \times$ assessed valuation), this roughly yields \$664 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that an additional single-family residential unit will be developed within the next two years. The total appraised value of this residential development after completion is estimated at \$270,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$975 in City annual tax revenues.

Legal Considerations: The property is eligible for annexation under K.S.A. 12-519, et seq.

Recommendations/Actions: Approve the annexation request and first reading of the Ordinance.

ORDINANCE NO. _____

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS. (A06-11)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District IV respectively:

A tract in the NW $\frac{1}{4}$ of Sec. 19, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas described as commencing at the NW corner of said NW $\frac{1}{4}$; thence S00°E along the west line of said NW $\frac{1}{4}$ 1139 feet for a place of beginning; thence continuing S00°E, 258.26 feet; thence N89°48'30E, 683.76 feet; thence N00°E, 175 feet; thence N44°09'W, 132.99 feet; thence S88°36'W, 591.3 feet to the place of beginning, except the west 30 feet for road.

And Also:

Greenwich Road, from the south right-of-way line of 29th Street North, north to a point on the west right-of-way line of Greenwich Road located 350 feet north of the south line of Sec. 33, Twp. 26-S, R2-E of the 6th P.M., Sedgwick County, Kansas and the south line of Sec. 34, Twp. 26-S, R2-E of the 6th P.M., Sedgwick County, Kansas.

And Also:

29th Street North, from the east right-of-way line of 29th Street North, east to a point on the north right-of-way line of 29th Street North located 300 feet east of the west line of Sec. 34, Twp. 26-S, R2-E of the 6th P.M., Sedgwick County, Kansas and the west line of Sec. 3, Twp. 26-S, R2-E of the 6th P.M., Sedgwick County, Kansas.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this _____.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law

AGENDA ITEM 26

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0463

TO: Mayor and City Council Members

SUBJECT: SUB 2006-09 -- Plat of Legacy Park Wilson Estates 3rd Addition, Located South of 21st Street North and West of Webb Road. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

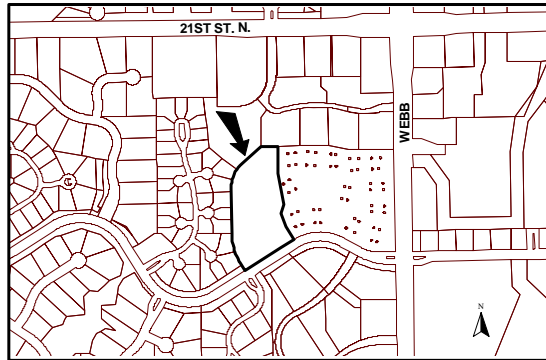
Background: This site, consisting of 12 lots on 4.93 acres, is a replat of a portion of Lot 5, Block 1, Legacy Park Wilson Estates Addition. This site is subject to the Wilson Estates Residential CUP (DP-201). A CUP Certificate has been provided identifying the approved CUP and its special conditions for development.

Analysis: A Petition, 100%, and a Certificate of Petitions have been submitted for water, sewer and paving improvements. Restrictive Covenants were submitted to establish a Lot Owners' Association to provide for the ownership and maintenance of the reserves and to provide four off-street parking spaces per dwelling unit on each lot which abuts a 32-foot street. This plat proposes platting a narrow street right-of-way with adjacent 15-foot street drainage and utility easements. A Restrictive Covenant was submitted that outline restrictions for lot-owner use of these easements. This site is located within the noise impact areas of McConnell Air Force Base/Jabara Airport, and a Restrictive Covenant and Avigational Easement have also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Legal Considerations: The CUP Certificate, Certificate of Petition, Restrictive Covenants and Avigational Easement will be recorded with the Register of Deeds.

Recommendations/Actions: Approve documents and plat, authorize the necessary signatures and adopt the Resolutions.



Agenda Item No. 27

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0464

TO: Mayor and City Council Members

SUBJECT: DED 2006-09 -- Dedication of a Water Line Easement and
DED 2006-10 -- Dedication of Access Control, Located on the
North side of 29th Street North and East of Rock Road.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedications

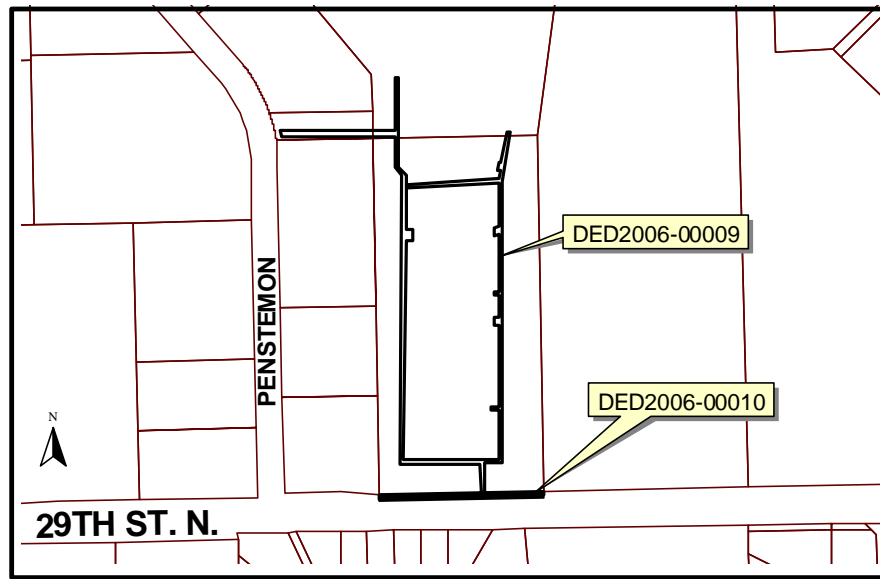
Background: These Dedications are associated with a lot split case (SUB 2005-123). The Dedications are for construction and maintenance of a water line and access control, except for one opening along 29th Street North.

Analysis: None.

Financial Considerations: None.

Legal Considerations: The Dedications will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedications.



Agenda Item No. 28

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0465

TO: Wichita Airport Authority

SUBJECT: Supplemental Agreements – Rental Car Concession Agreements

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the Supplemental Agreements.

Background: Enterprise Leasing Company – Southwest d/b/a Enterprise Rent A Car and Flacks Enterprises, LTD d/b/a Thrifty Car Rental occupy ticket counter space in the baggage claim area of the terminal building on Wichita Mid-Continent Airport. As a result of relocating two shuttle/limousine companies, a small area became available adjacent to the ticket counters occupied by Enterprise and Thrifty. The term of the concession agreements is through November 30, 2009.

Analysis: The additional space (30 sq.ft. for Enterprise and 39 sq.ft. for Thrifty) allows these companies to better serve their customers, in addition to alleviating some of the congestion which occurs in front of their ticket counters.

Financial Considerations: For the period 02/01/05 through 11/30/05, additional revenue to the WAA was \$2,411.60; and for the period 12/01/05 through 11/30/06, the revenue will be \$3,012.60.

Legal Considerations: The Supplemental Agreements have been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the Supplemental Agreements, and authorize the necessary signatures.

Agenda Item No. 29

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0466

TO: Wichita Airport Authority
SUBJECT: Airport Marketing Expenditure
INITIATED BY: Airport Department
AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the expenditure.

Background: It is the policy of the Wichita Airport Authority to fund marketing programs aimed at promoting the use of Wichita Mid-Continent Airport. The Wichita Airport Advisory Board has acknowledged the importance of increased passenger travel because it results in enhanced air service, business expansion, increased tourism, and other economic benefits to the community. The Wichita Airport Advisory Board recently approved the concepts for the campaign proposed by Armstrong Shank.

Analysis: On February 28, 2006, the City Council approved the advertising contract with Armstrong Shank, which included a one-year contract with two, one-year options for renewal. Armstrong Shank and staff have worked together to determine the appropriate budget for their services and to develop advertising strategies designed to promote Mid-Continent Airport as the choice for regional travelers.

This program will position the role of the airport as the State of Kansas' customer-friendly airport of choice, highlighting the convenience and hospitality at Mid-Continent Airport. The program will increase awareness of Mid-Continent Airport services, encourage business and leisure travel, and will develop an image campaign. This program will include many different facets, but with emphasis on a statewide media analysis/plan, development and implementation of the integrated marketing campaign. It will also include the development of a new program called the "Courtesy Crew" at the Airport which will help reinforce the customer-friendly image of Mid-Continent Airport.

Financial Considerations: The services from Armstrong Shank will not exceed \$550,000 which includes out-of-pocket expenses for the initial year of the contract for marketing, planning and implementation of the airport campaign. Armstrong Shank's actual professional services fee is included within the \$550,000 budget, and will not exceed 16% of the total actual funds expended. Funds for this purpose are included in the adopted Airport operating budget.

Legal Considerations: None.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the expenditure.

AGENDA ITEM NO. 30

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0467

TO: Wichita Airport Authority

SUBJECT: Mechanical Systems Improvements - Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the Change Order.

Background: On October 18, 2005 the Wichita Airport Authority approved a contract with Don Vaughn Inc. for Mechanical System Improvements.

Analysis: During construction, changes to the project have been identified.

Financial Considerations: The change order amount of \$6,876 will be funded with General Obligation bonds paid for with Airport Revenue. Funds are available within the approved budget and the changes are approximately five-percent of the original contract amount. The revised contract amount is \$136,786.

Legal Considerations: The Law Department has approved the change order.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the change order and authorize necessary signatures.

Agenda Item No. 31

City of Wichita
City Council Meeting
May 2, 2006

Agenda Report No. 06-0468

TO: Mayor and City Council

SUBJECT: Funding Support for the Arts

INITIATED BY: City Council

AGENDA: City Council Agenda

Recommendation: Adopt the resolution and Art Task Force process and recommendations to allocate one (1) mill levy annually to be distributed through the Cultural Funding Review process and to be evaluated after four (4) years.

Background: In 1994, the City Council and the Arts Council commissioned an independent study of the impact and potential of local arts and culture, which resulted in the approval of the Wichita Community Cultural Plan. One of the goals of the Cultural Plan was to establish a funding mechanism that would encourage cultural resources to become active partners.

On March 16, 2004, the City Council approved the formation of an Arts Task Force. The Arts Task Force was asked to accomplish the following and return with their recommendations:

- Study current funding support for the arts;
- Determine an equitable process for the City Council to evaluate requests for funding;
- Develop public and private funding options and;
- Designate the appropriate department for which the Division of Arts and Culture should reside.

At the December 14, 2004, City Council meeting, a resolution for arts funding and Arts Task Force recommendations were presented to the City Council. The Council agreed to increase this mill levy allocation to (one) 1mill and utilize a tiered system for both established and emerging arts organizations.

On February 8, 2005 the City Council approved the formation of the Cultural Funding Review Committee consisting of 11 members. Members of City Council appointed 7 members. The Arts Council appointed 4 members. The committee consisted of representatives from government, education, business, philanthropy, arts organizations and

the public at large. The committee was assigned the responsibility to make recommendations to members of City Council on distribution of additional funding for the arts from the 1 mill allocation resulting in \$719,000 in 2006.

The presentation to the Council noted that organizations currently receiving funding would continue to receive funds at their current level; however, they will be subject to the same application/evaluation process as all other organizations seeking funding. Those organizations include: Wichita Art Museum, Botanica, Old Cowtown Museum, Arts Council, Mid-America All-Indian Center, the Kansas African American Museum, and the Wichita-Sedgwick County Historical Museum.

The Cultural Funding Committee reviewed grant applications from 34 organizations using the approved application review process. The recommendations for the allocation of funding were then approved by City Council as part of the 2006 budget approval process on August 9, 2005. Contracts for the \$719,000 allocation of funds were approved on December 10, 2005.

Analysis: The Task Force has developed what they believe to be a fair and equitable process that will protect the City's current \$75 million investment in the arts while encouraging the development of other existing and emerging organizations. The Task Force believes that they City must protect its current investments in the organizations that have become an integral part of the community's culture. This investment includes the City's ownership of various properties and entities within the community including the Wichita Art Museum, Old Cowtown Museum, Botanica, and many others. Through historical agreements, the City has made substantial investments in these facilities to purchase, promote and maintain them.

The Task Force believes that the current levels of funding and in-kind support are needed to continue to protect the \$75 million investment the City of Wichita has made to the arts. It is imperative that the City continues to promote and encourage growth of the arts as a vehicle for cultural tourism rather than make further reductions to the arts or simply maintain the status quo. A resolution to establish a funding formula needs to be approved/adopted for the arts and cultural community.

Financial Considerations: The process for performance-based criteria developed by the Arts Task Force and facilitated by the Cultural Funding Review Committee has created an equitable and fiscally responsible method for distributing funds to arts organizations. A resolution is recommended to allocate one (1) mill levy to be distributed annually through the Cultural Funding Review process to the arts and cultural organizations and to be reviewed by City Council after four (4) years.

Legal Considerations: Law Department has prepared and approved the form of the proposed policy resolution.

Recommendations/Actions: It is recommended that the City Council approve/adopt the resolution and Art Task Force process and recommendations to allocate one (1) mill levy annually to be distributed through the Cultural Funding Review process and to be evaluated after four (4) years.

A RESOLUTION REFLECTING THE INTENT AND POLICY OF THE CITY COUNCIL
WITH RESPECT TO FUNDING ARTS AND CULTURE.

WHEREAS, the Governing Body of the City of Wichita, Kansas established an Arts Task Force (the “Task Force”) on March 16, 2004, to study funding support for the arts in the City of Wichita, Kansas (the “City”) and to make recommendations concerning the same; and,

WHEREAS, the Task Force has recommended dedicated funding of the arts, by way of a special levy or funding allocation that would earmark funds for such purposes each year, in the approximate amount that would be raised in such year by 1 mill of the City’s general tax levy on the assessed valuation of all tangible taxable property then subject to such levy; and,

WHEREAS, the City has been able to identify no statute authorizing a dedicated or special levy, or establishment of a budget fund, for the foregoing purpose, but the Governing Body supports funding for the arts at the proposed level as a matter of ongoing policy, to be implemented in the adoption and adjustment of each annual budget;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Establishment of Funding Formula. It is the policy of the City Council to provide funding for arts and culture each year at a level approximating the amount that would be raised in such year by 1 mills of the City’s general, ad valorem tax levy on the total assessed valuation of all tangible taxable property then subject to such levy, with the intent of reallocating such funds from the existing budget, without any increase in the overall levy rate, to support arts and cultural organizations and facilities (as defined in the following section).

Section 2. Arts and Cultural Organizations and Facilities. The concept of “arts and cultural organizations and facilities,” as operative within this policy, shall include organizations and facilities that provide for the enlightenment and entertainment of the public through the production, exhibition, advancement, or preservation of art, literature, music, theater, dance, zoology, science, botany, natural history or cultural history. Existing organizations currently receiving funding from the City’s general fund include the Arts Council, the Wichita Art Museum, Botanica, Cowtown, Mid-America All-Indian Center, the Kansas African American Museum, and the Wichita-Sedgwick County Historical Museum.

Section 3. Arts Council Review Committee. In allocating funds among arts and cultural organizations and facilities that seek City support for their programs and functions, the Governing Body will consider recommendations made by the City Manager and recommendations made by a Review Committee that will be established by the Arts Council and Governing Body. The Review Committee will be a separate committee of the Arts

Council, and possess a broad based knowledge of the arts. The committee will have eleven members, seven of whom will be appointed by the Governing Body, and four of whom will be appointed by the Arts Council. Members of the Review Committee will include representatives from government, business, community, philanthropic organizations, education and the arts. The Review Committee will evaluate applications for funding from arts and cultural organizations and facilities. Performance measures, outlined by the Arts Taskforce, will be submitted by applicants for evaluation by the Review Committee.

Section 4. Submission of Recommendations. Recommendations made by the Review Committee shall be submitted to the City Manager's Office no later than the first Friday in June, to facilitate their presentation to the Governing Body in coordination with the City Manager's own recommendations and the City Manager's Proposed Budget. In the course of the budget hearings, applicants and members of the public will be afforded an opportunity to comment on such recommendations, and any related recommendations included in the Proposed Budget.

ADOPTED by the Governing Body of the City of Wichita, Kansas, this
_____ day of _____, 2006.

CITY OF WICHITA, KANSAS

By _____
Carlos Mayans, Mayor
ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

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